

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action. Claims 2 and 6 have been amended. No claims have been canceled and no new claims have been added to the application. Accordingly, claims 2 and 6 are pending in the application.

In the prior Office Action, the Examiner rejected claim 6 under 35 U.S.C. §112, second paragraph, on grounds that the phrase "the hot air desiccating machine" did not have antecedent basis. By this amendment, claim 6 has been amended to reference "a" hot air desiccating machine. Reconsideration of the claim rejection is respectfully requested.

Also in the prior Office Action, the Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Lewis et al., U.S. Pat. No. 4,748,038, in view of Wear et al., U.S. Pat. No. 4,785,726, and Beaver et al., U.S. Pat. No. 7,045,164, and rejected claim 6 as being unpatentable over Lewis in view of JP 60-105468. For the reasons set forth below, applicant respectfully requests reconsideration of the claim rejections.

In the Amendment filed on November 3, 2008, applicant noted that Lewis et al. does not teach a partially-inactivating steaming step where the cotyledons passing the sterilization inspection step are steamed for 120 seconds by hot water or steam heated at a temperature of 90°C so as to deodorize the cotyledons and inactivate a digestion inhibiting enzyme as claimed. Applicant noted that Lewis et al. teaches a heat treatment step for the production of soy flour from soy beans wherein both enzymes that can cause malodor and bad taste and trypsin inhibitors are

denatured, but the heating conditions are such that the desirable enzymes are also denatured, resulting in a "bland" soy product. The Examiner contends that applicant's argument is not supported by factual evidence. Applicant respectfully disagrees.

Regarding the issue of "blandness", Lewis et al. expressly teaches that the soy flour product produced by the disclosed process exhibits "extreme blandness" (see, e.g., col. 5, lines 15-16). This clearly indicates all of the enzymes in the soy flour, including the desirable enzymes, are denatured by the Lewis et al. process.

In addition, applicant notes that the instant specification provides three examples that demonstrate that a soy flour product produced according to the process conditions disclosed by Lewis et al. would be patentably different than a soy flour product produced by the claimed process. Example 1 of applicant's specification discloses the steps used to produce a partially-inactivated soy flour as claimed in claim 1. Example 3 of applicant's specification discloses the steps used to produce a fully-inactivated soy flour, such as would be obtained according to Lewis et al. In Example 1, the cotyledons were steamed for 120 seconds by hot water at a temperature of 90°C. In Example 3, the cotyledons were steamed for 90 seconds by steam at a temperature of 125°C. Although the steaming time was longer in Example 1 (120 seconds) as compared to Example 3 (90 seconds), the temperature of the steam (hot water in Example 1) was lower (90°C compared to 125°C).

In Example 7, Lewis et al. report that soybeans processed using steam (under pressure) at a temperature of 135°C for 90 seconds produced a "reasonably bland" flavor. The temperature used by Lewis et al. in this example is higher than

the temperature used in applicant's Example 3 and the time is the same. Thus, what Lewis et al. characterize as a "reasonably bland" soy flour is not the same as a partially-inactivated soy flour as claimed in claim 1. In Lewis et al., all of the enzymes are denatured, including the desirable enzymes.

There is no teaching in Lewis et al. that would lead one having ordinary skill in the art to lower the temperature and extend the steaming time to obtain a partially-inactivated soy flour as claimed in claim 1. The Examples in the specification and the Examples in Lewis et al. establish the criticality of the claimed process parameters, and further demonstrate that soy flour product produced by applicant's claimed process is patentably different from that which is disclosed in the prior art.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. KOY-16174.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By /Randolph E. Digges, III/  
Randolph E. Digges, III, Reg. No. 40590

38210 Glenn Avenue  
Willoughby, Ohio 44094-7808  
(216) 566-9700